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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,479	10/08/2001	Peter Hartmaier	51410/P001CP1C1CP1/101053	5315

27517 7590 08/24/2004  
FULBRIGHT & JAWORSKI L.L.P.  
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EXAMINER

NGUYEN, JOSEPH D

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

I. Claims 1-12, drawn to method and apparatus for routing calls from wireless subscribers based upon mass media events, classified in class 455, subclass 445.

II. Claims 13-19, drawn to method for providing information to a wireless device, classified in class 455, subclass 466.

III. Claims 20-24, and 26 drawn to method for providing information to users via communication device based upon the dial digit, classified in class 455, subclass 414.1-414.2.

IV. Claim 25, drawn to database to data records associated with a plurality of wireless network subscribers, classified in class 455, subclass 419.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I , II, III and IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed

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because the first group relates to the method and apparatus for routing calls from wireless subscribers base upon mass media event, the second group relates to the method for providing information to a wireless device that is in communication with a wireless network based upon monitoring the status of the wireless device, the third group relates to the method for providing information to users via communication device based upon the dial digit, and the fourth group relates to database to data records associated with a plurality of wireless network subscribers.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. A telephone call was made to an attorney Mr. Michael Fogarty III on Aug. 10, 2004 to request an oral election to the above restriction requirement.

5. Mr. Michael Fogarty III called back on Aug. 12 , 2004 to request the restriction action to be sent for reviewing before making the selection.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label

"PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA. Sixth floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



Aug. 13, 2004



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600